

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TIMOTHY P. LITTLE,

Plaintiff,

VS.

CAROLYN W. COLVIN Acting
Commissioner of the Social Security
Administration,

Defendant.

No. 1:12-cv-01080-MJD-LJM

ORDER ON MOTION FOR ATTORNEYS' FEES


This matter is before the Court on Plaintiff Timothy Little’s Petition for Attorney’s Fees Under the Equal Access to Justice Act (“EAJA”) [Dkt. 24.] Plaintiff seeks an award of attorney’s fees in the amount of \$4,181.31 following the Court’s entry of final judgment [Dkt. 23] remanding this case to the Commissioner of the Social Security Administration (“Commissioner”) for further proceedings.

The EAJA requires that, in a suit by or against the federal government, the court award to a prevailing party (other than the United States) her attorneys' fees and expenses, unless the court finds that the United States' position was substantially justified or special circumstances make an award not just. 28 U.S.C. § 2412(d). The Commissioner does not object to Plaintiff's petition. The Court, having reviewed Plaintiff's petition, including the itemized statement of hours expended by the attorney and the attorney's reasons for an increased rate based on increased cost of living, finds the fees sought by Plaintiff to be reasonable and based upon prevailing market rates. However, the petition also requests that the award be paid to Plaintiff's attorney, Charles Hankey. Mr. Hankey has not submitted a fee assignment agreement signed by

the Plaintiff. Therefore, Mr. Hankey has 30 days from the date of this Order to file the fee assignment agreement with this Court.

For the foregoing reasons, the Court hereby **GRANTS IN PART** Plaintiff's petition for attorney's fees in the amount of \$4,181.31.

Date: 01/03/2014



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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